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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,942	10/01/2004	Kenji Ishida	Q83590	4968
23373 7590 02/15/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER				
KOEHLER, CHRISTOPHER M				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/509,942

Applicant(s)

ISHIDA ET AL.

Examiner

CHRISTOPHER M. KOEHLER

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/02)
Paper No(s)/Mail Date 1/3/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 12 is objected to because of the following informalities: "brought" should be changed to --bought--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 1 recites the limitations "the recycled products" and "the recyclable used products" in lines 26-27. There is insufficient antecedent basis for these limitations in the claim.
5. Claim 2 recites the limitation "the evaluated recyclable property" in 3. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 5 states that the database is freely connected through a telecommunication network while claim 1 requires that the user have a privilege. Because the broader "freely" limitation depends on the narrow "privilege" limitation it is unclear which means of connecting to the telecommunication network the applicant intends to claim.

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7. Claim 6 recites a mathematical expression however the lack of any equality/inequality symbol renders the expression meaningless and the claim indefinite.
8. Claim 7 recites the limitation "the composition" in line 2. There is insufficient antecedent basis for this limitation in the claim.
9. Claim 8 recites the limitation "the market" in line 2. There is insufficient antecedent basis for this limitation in the claim.
10. Claim 10 recites the limitation "a telecommunication network" in line 5. There is insufficient antecedent basis for this limitation in the claim, due to previous recitations of that term in the claims (i.e. is the previous element being referred to, or is this a new element?).
11. Claim 11 recites the limitations "a server" "a product" and "a member" in lines 1, 3 and 4 respectively. There is insufficient antecedent basis for these limitations in the claim, due to previous recitations of those terms in the claims (i.e. is the previous element being referred to, or is this a new element?).
12. Claim 13 recites the limitations "the receiving evaluation" and "a non-member" in lines 1 and 2. There is insufficient antecedent basis for these limitations in the claim.
13. Claim 14 recites the limitations "the collected product", "said collecting member", "the result", "the transportation destination", "the intermediate raw material producer" and "the intermediate raw material products" in lines 4, 4, 5, 7, 8 and 9 respectively. There is insufficient antecedent basis for this limitation in the claim.
14. Claim 15 recites the limitation "the composition" in line 2. There is insufficient antecedent basis for this limitation in the claim.

15. The claims have been examined below as best understood despite the numerous indefinite terms contained therein.

Claim Rejections - 35 USC § 102

16. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

17. Claims 1-8 and 10-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al. (EP 0 756 238 A1, as submitted by Applicant in IDS dated 7/19/2005).

Claim 1:

Suzuki teaches a recycling method for recycling a product made partially or fully from a polyester, wherein the product has an identification display(product information upper left-most box of figure 14) appended integrally to the product (21) so as to direct recycling of the product, comprising the following steps (a)- (d): (a) a step in which an information communication terminal (29) is authenticated by a server computer (figure 2) so as to access a database (350) through a telecommunication network (page 6, lines 46-54), wherein the database records information necessary for recycling the product; (b) a step in which the authenticated information communication terminal equipped with an input means (34) inputs product information retrieved from the identification display to the server computer, wherein the identification display shows that the product to be recycled satisfies a product standard for health and safety, a recyclable product standard, and a product standard based on an environmental load at a stage for producing the product and on an environmental load at a recycling stage

(figure 5); (c) a step in which the server computer identifies the product by searching the database based on the input product information and the server computer reads management information of the identified product from the database related to recycling and further the server computer enables the information communication terminal to read the database through the telecommunication network in accordance with a privilege of the information communication terminal, and if necessary, approves writing said recycling information required in a next stage to the database (figure 5); and (d) a step in which each information communication terminal and the server computer shares the management information of the identification displays appended to the recycled products, and supplies the recyclable used products for recycling based on the shared management information (figure 1).

Claim 2:

Suzuki teaches that the easily recyclable property of the product is judged by evaluating the recyclable property of each of the parts constituting the product (figure 2) recording the evaluated recyclable property to form a database (350, figure 5) and referring to the database from the part constitution of the product (figure 5, 34 identifies the part and 29 makes the decision using information from the database 350).

Claim 3:

Suzuki teaches that the easily recyclable property of the product is judged by setting management standards related to the recycling of the parts constituting the product (350), and referring to the database from a part constitution satisfying the management standards (29).

Claim 4:

Suzuki teaches that a content of a recycling inhibiting substance for inhibiting the recycling for each of the parts is specified and then inputted into the database (figure 2, 213).

Claim 5:

Suzuki teaches that the database is connected through a telecommunications network (page 6, lines 46-54).

Claims 6, 7 and 15:

Suzuki teaches the system for recycling products as applied above but does not explicitly teach recycling of polyester. The method of Suzuki is however capable of recycling products of any composition using the decision processor and database for any material that is contained in any product. Neither Suzuki nor Applicant's method is specific on the steps of how to process a polyester material into another material merely a system for separating products into recyclable constituents and not how to recycle the specific constituent. For these reasons, Suzuki is inherently capable of recycling any composition of any constituent of a product that is cataloged in the database.

Claim 8:

Suzuki teaches that the recyclable product distributed in the market (figure 1) is managed by giving management information related to the recycling, such as the raw materials, production date, production place, production lot, weight, quality data, recyclable raw material employment rate and recommended recycling method of the commodity product to the identification electronically (21b, figure 6).

Claim 10:

Suzuki teaches that members who jointly operate the system for recycling the products are connected to each other through a network to share the management information of the identification displays appended to the recycled products (figure 1 and page 6, lines 46-54).

Claim 11:

Suzuki teaches that a server capable of reading and writing data for managing the products to be recycled is disposed on to give necessary information related to a product specified by the display device to a member accessed to the server (database 350).

Claim 12:

Suzuki teaches that whether a product bought used can be recycled or not is evaluated by at least one evaluation means (29) including visual inspection using the identification display (barcode for example).

Claim 13:

Suzuki teaches that the receiving evaluation of the used product brought in by a non-member is approved by an information network manager (figure 1) integrally managing the operation of the recycling system.

Claim 14:

Suzuki teaches that the product is evaluated by the collecting member to collect the passed product (29); a recommended recycling method is selected on the result based by the evaluation and a new identification display is appended (62, figure 14); the

product is transported to a subsequent processing (63, figure 14); and the products are produced and recycled (figure 2, 209-214).

Suzuki teaches the system for recycling products as applied above but does not explicitly teach recycling of polyester. The method of Suzuki is however capable of recycling products of any composition using the decision processor and database for any material that is contained in any product. Neither Suzuki nor Applicant's method is specific on the steps of how to process a polyester material into another material merely a system for separating products into recyclable constituents and not how to recycle the specific constituent. For these reasons, Suzuki is inherently capable of recycling any composition of any constituent of a product that is cataloged in the database.

Claim 16:

Suzuki teaches the product collected for the recycling is supplied to a material or chemical recycle depending on the material (figure 2, 209-214)

Claim Rejections - 35 USC § 103

18. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki.

Claims 9:

Suzuki teaches the system for recycling products as applied to the claims above but does not explicitly teach a refund or deposit system for returning the product for recycling. The examiner takes official notice that it is well known in the art of recycling to provide compensation in the way of a refund, deposit, rebate or other positive motivation to a consumer returning a recyclable item to a recycling center, by way of

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example the return of aluminum cans and bottles to a recycling center whereby the consumer is refunded their deposit. It would have been obvious to one of ordinary skill in the art at the time of invention to apply a reward system to the consumer for returning recyclables to the system of Suzuki in order to provide incentive to the consumer to recycle which in turn reduces raw material costs to the manufacturer and conserves natural resources while reducing waste.

Response to Arguments

19. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER M. KOEHLER whose telephone number is (571)272-3560. The examiner can normally be reached on Mon.-Fri. 7:30A-4:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. M. K./
Examiner, Art Unit 3726

/David P. Bryant/
Supervisory Patent Examiner, Art Unit 3726